

ROAD TRAFFIC REGULATION ACT 1984

OXFORDSHIRE COUNTY COUNCIL (VARIOUS STREETS, NORTH HINKSEY) (WAITING RESTRICTIONS) ORDER 2009

The Oxfordshire County Council ("the Council") in exercise of its powers under Sections 1 (1), 2 (1) & (2) and 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

PART I IMPLEMENTATION, CITATION, DEFINITIONS AND INTERPRETATIONS

Commencement and citation

1. This Order shall come into operation on the 28th September 2009 and may be cited as the Oxfordshire County Council (Various Streets, North Hinksey) (Waiting Restrictions) Order 2009.

Definitions

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Carers Permit Order" means the City of Oxford and the Parish of North Hinksey (Carers Permit) Order 1999, as amended from time to time;

"Civil Enforcement Officer" means a person authorised under Section 76 of the Traffic Management Act 2004 to undertake enforcement of parking contraventions (as defined in that Act) and a parking attendant authorised under Section 63A of the Road Traffic Regulation Act 1984 to supervise and enforce these restrictions imposed by any of the provisions of order is a Civil Enforcement Officer;

"Controlled Length" means a length of road where waiting is prohibited or (as indicated by a Traffic Sign where requisite) further to any act, order, regulation, bylaw or notice (other than a traffic regulation order) at such times and for so long only as the length of road is subject to such waiting prohibition or restriction;

"Disabled Person's Badge", "Parking Disc" and "Relevant Position" have the meanings ascribed to them in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Disabled Person's Vehicle" means a vehicle lawfully displaying in the relevant position a Disabled Persons' Badge."

"Goods" means goods of any kind and includes cash or other valuable securities and 'delivering' and 'collecting' in relation to any Goods includes checking the Goods for the purpose of their delivery or collection and taking orders and collecting payment for any Goods (in association with their delivery or collection);

"including" means including without limitation or prejudice to the generality of any preceding description, defining term, phrase or word(s) and "include" will be construed accordingly;

"Penalty Charge" means a penalty charge imposed further to Part 6 of the Traffic Management Act 2004 and set by Oxfordshire County Council further to paragraph 3 of Schedule 9 to that Act;

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to regulations made further to Part 6 of the Traffic Management Act 2004;

"Postal Packets" means a letter, parcel, packet or other article transmissible by post;

"Public Service Vehicle" means (subject as provided in Section 1 Public Passenger Vehicle Act 1981) a motor vehicle (other than a tramcar) which;
being a vehicle adapted to carry more than 8 passengers, is used for carrying passengers for hire or reward; or
being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.

"Restricted Hours" in relation to a Restricted Road, means during the following times for those lengths of road specified in the following Schedules:

- (a) Schedule 1, at any time;
- (b) Schedule 2, between 8.00 a.m to 6.00 p.m on Mondays to Saturdays inclusive;
- (c) Schedule 3, between 8.00 a.m. and 5.00 p.m on Mondays to Fridays inclusive;

"Restricted Road" means any road or length of road specified in the Schedules to this Order but excluding any Controlled Length;

"road" means the whole or part of a road including a length of road;

"Traffic Sign" means any object, device, line or mark for conveying to traffic on roads or any specified class of traffic warnings, information, requirements, restrictions or prohibitions as specified in Section 64 of the Act;

"Universal Service Provider" has the meaning given in Sections 4(3) and (4) of the Postal Services Act 2000;

"vehicle" means a motor vehicle being a mechanically propelled vehicle intended or adapted for use on roads.

3. Interpretations

- (1) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (2) Any reference in this Order to any enactment (meaning any act and any subordinate legislation as defined in the Interpretation Act 1978) shall be

construed as a reference to that enactment as amended or replaced by any subsequent enactment.

- (3) Words importing the masculine gender shall also include the feminine gender and words in the singular include the plural and vice versa.

PART II RESTRICTIONS AND EXCEPTIONS

Waiting Restrictions

4. Save as provided by Articles 5, 6 and Article 7 of this Order, no person shall, except upon the direction of or with the permission of the Council, a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to wait during the Restricted Hours in any Restricted Road specified in the Schedules to this Order.

Exceptions to Waiting Restrictions

Exemptions from Waiting Restrictions

5. Nothing in Article 4 of this Order will apply to any vehicle waiting in any Restricted Road, during the Restricted Hours for so long only as may be necessary in any of the following circumstances:
- (1) the vehicle is a police vehicle and being used for police purposes;
 - (2) the vehicle is an ambulance being used for ambulance purposes in an emergency;
 - (3) the vehicle is in the service of the fire brigade being used for fire brigade purposes in an emergency;
 - (4) the vehicle is setting down or picking up a passenger and for the avoidance of doubt this includes a Public Service Vehicle setting down or picking up any passenger;
 - (5) the vehicle is waiting for the purpose of loading or unloading Goods at premises situated at or adjoining that road;
 - (6) the vehicle is waiting for the collection of waste from premises situated at or adjoining that road;
 - (7) the vehicle is in the service of or employed by a Universal Service Provider while being used for the purpose of loading, unloading, delivering or collecting Postal Packets at premises or post boxes at or adjoining that road;
 - (8) the vehicle is waiting while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than in that road while such gate or other barrier is being opened or closed;
 - (9) the vehicle is waiting because the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (10) the vehicle is being used in connection with any of the following and cannot conveniently be so used without waiting in that road:
 - (a) removing any obstruction to traffic at or adjoining that road;
 - (b) undertaking works (including inspection) in relation to that road or to a traffic sign, road lighting or street furniture at or adjoining that road;
 - (c) undertaking works (including inspection) in relation to a sewer or water main, or in relation to the supply of gas, electricity, water or communication services in or adjoining that road;

- (d) a funeral associated with premises at or adjoining that road and is a hearse or other official vehicle of an undertaker,

provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, wherever that police constable considers this necessary for the purpose of preventing obstruction.

Exemptions from Waiting Restrictions - Disabled Persons Vehicles

6. Nothing in Article 4 shall prevent any person from causing or permitting a Disabled Persons Vehicle, which lawfully displays in the relevant position a Disabled Persons Badge to wait for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day) provided that there is displayed in the relevant position on the vehicle a parking disc marked to show the quarter hour period during which the period of waiting began,

provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, whenever that police constable considers this necessary for the purposes of preventing obstruction.

THE CITY OF OXFORD AND PARISH OF NORTH HINKSEY (CARERS PERMIT) ORDER 1999

7. The Carers Permit Order is applied to this Order so that nothing in this Order will prohibit or restrict a vehicle from waiting in accordance with the provisions of that Order.

PART III CONTRAVENTION

Contravention

8. (1) If a parking contravention (as defined in the Traffic Management Act 2004) is committed in contravention of any of the provisions of this order a Penalty Charge will be payable.
- (2) In the case of a vehicle in respect of which a Penalty Charge is payable a Penalty Charge Notice may be issued by a Civil Enforcement Officer.

GIVEN UNDER the common Seal of the Oxfordshire County Council
this 21st day of September 2009.

SCHEDULE 1

NO WAITING AT ANY TIME

1. ARTHRAY ROAD

- (a) the north side
 - (i) from its junction with Westminster Way westwards for a distance of 15 metres;
 - (ii) from a point 17 metres west of its junction with Church Way eastwards for a distance of 78 metres;
- (b) the south side, from its junction with Westminster Way to a point 54 metres west of its junction with Finmore Road.

2. CHAPEL WAY

- (a) the north and east side, from its junction with Westminster Way westwards and northward for a distance of 130 metres;
- (b) the south and west side
 - (i) from its junction with Westminster Way westwards for a distance of 55 metres;
 - (ii) from a point 65 metres west of its junction with Westminster Way northwards for a distance of 73 metres.

3. CHURCH WAY

- both sides
 - (iii) from its junction with Arthray Road northward for a distance of 43 metres;
 - (iv) from its junction with West way southward for a distance of 66 metres.

4. CRABTREE ROAD

- both sides, from its junction with Montagu Road southward for a distance of 33 metres.

5. ELMS PARADE

- (a) both sides, from its junction with Church Way eastward for a distance of 4 metres;
- (b) the south side, from its junction with Chapel Way westward for a distance of 6 metres.

6. ELMS ROAD

- (a) the east side
 - (i) from its junction with West Way northward for a distance of 102 metres ;
 - (ii) from a point 157 metres north of its junction with West Way northward for a distance of 22 metres;
- (b) the west side
 - (i) from its junction with West Way northward for a distance of 15 metres;
 - (ii) from a point 101 metres north of its junction with West Way northward for a distance of 15 metres;
 - (iii) from a point 159 metres north of its junction with West Way northward for a distance of 28 metres.

7. FINMORE ROAD

- (a) both sides, from its junction with Montagu Road northward for a distance of 42 metres;
- (b) the east side, from its junction with Arthray Road southward for a distance of 72 metres;
- (c) the west side, from its junction with Arthray Road southward for a distance of 34 metres.

8.. MONTAGU ROAD

both sides, from a point 23 metres east of its junctions with Finmore Road and Crabtree Road westward for a distance of 53 metres.

9. NORTH HINKSEY LANE

- (a) both sides of that length running south-east from its junction with West Way west of the McDonalds Restaurant,
 - (i) from its junction with West Way southward for a distance of 20 metres;
 - (ii) from a point 154 metres south-east of its junction with West Way south-eastward for a distance of 100 metres;
- (b) both sides of that length running south-west from its junction with West Way east of the McDonalds Restaurant, from its junction with West Way south-westward for a distance of 16 metres;
- (c) both sides, from a point approximately 18.3 metres north-west of the Cemetery entrance to a point 91.5 metres south-east of the Cemetery entrance.

10. POPLAR ROAD

both sides, from its junction with West Way northward for a distance of 46 metres.

11. SEACOURT ROAD

both sides, from its junction with Poplar Road westward for a distance of 68 metres.

12. WEST WAY

- (a) both sides, from Botley River Bridge to a point 38 metres east of its junction with Westminster Way;
- (b) the south side, from its junction with Eynsham Road (B4044) to a point 38 metres east of its junction with Westminster Way.

13. WESTMINSTER WAY

both sides

- (a) from its junction with West Way southward for a distance of 212 metres;
- (b) from a point 76 metres north of the centre line of Montagu Road southward for a distance of 138 metres.

SCHEDULE 2

NO WAITING from 8.00am to 6.00pm on Mondays to Saturdays Inclusive

NORTH HINKSEY LANE

- (a) both sides of that length running south-east from its junction with West Way west of the McDonalds Restaurant, from a point 86 metres south-east of its junction with West Way south-eastward for a distance of 68 metres;
- (b) both sides of that length running south-west from its junction with West Way east of the McDonalds Restaurant, from a point 16 metres south-west of its junction with West Way south-westward for a distance of 101 metres.

SCHEDULE 3

NO WAITING from 8.00am to 5.00pm on Mondays to Fridays Inclusive

ELMS ROAD

The west side, from a point 85 metres north of its junction with West Way northward for a distance of 16 metres.

**THE COMMON SEAL of
OXFORDSHIRE COUNTY COUNCIL**
was hereto affixed in the presence of:

Martin Graham
County Solicitor / Designated Officer



